



DAC
ZTW

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b),
37 CFR 1.155(c), OR 37 CFR 1.316(c)**

Docket Number: 4860.P2679

First named inventor: Gary F. Feierbach

Application No.: 10/020,384

Group Art Unit: 2835

Filed: 12/06/2001

Examiner: Datskovskiy, Michael V.

Title: COOLING METHOD FOR ICS

Attention: Office of Petitions
Box DAC
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

The above-identified application became abandoned for failure to file a timely and proper response to the Final Office Action mailed 07/15/2004, which set a three month period for response. The abandonment date of this application is 05/26/2005 (i.e., the day after the expiration date of the period set for response plus any extensions of time obtained therefore).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proposed response and/or issue fee
- (3) Verified statement that the abandonment was unintentional

1. Petition fee

- ☐ Small-entity fee \$ _____ (37 CFR 1.17(m))
- ☐ Small-entity statement enclosed herewith.
- ☐ Small-entity statement previously filed.
- ☒ Other than small-entity fee \$1,500.00 (37 CFR 1.17(m)).

2. Proposed response and/or fee

A. The proposed response and/or fee to the above-noted Office action in the form of Response and Amendment:

- ☐ has been filed previously on _.
- ☒ is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been paid previously on _.
- ☐ is enclosed herewith.

Burden Hour Statement: This form is estimated to take 1 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Office, Patent and Trademark Office, Washington, D. C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.

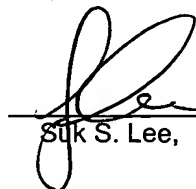
3. Verified statement

The delay caused by the abandonment of the application was unintentional.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

19 August 2005
Date

BLAKELY SOKOLOFF TAYLOR ZAFMAN LLP
12400 Wilshire Boulevard, Seventh Floor
Los Angeles CA 90025
Telephone: (408) 720-8300, x 237


Suk S. Lee, Reg. No. 47,745

Enclosures: ☒ Response and Amendment
☒ Copy of Notice of Abandonment
☒ Fee Payment (Check for Petition to Revive fee)

By completing the Certificate of Mailing, below, the date mailed will be considered the date this correspondence is filed.

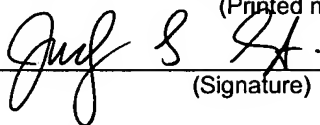
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

08/19/2005

(Date of Deposit)

Judy L. Steinkraus

(Printed name)


(Signature)

(Date)

08/19/2005



FIRST CLASS CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail on the date indicated below with sufficient postage addressed to:

Mail Stop *Petition*
Commissioner For Patents
P.O. Box 1450
Alexandria VA 22313-1450

Judy S. St. *08/19/2005*
Judy L. Steinkraus

Application No.: 10/020,384
Date Mailed: 08/19/2005
Client: Apple Computer, Inc.
Title: COOLING METHOD FOR ICS
First Named Inventor: Gary F. Feierbach
The following has been received in the U.S.P.T.O. on the date stamped hereon: --

Transmittal Letters & Certificate of Mailing

☒ Transmittal Letter
☒ Fee Transmittal (original & copy)
☐ RCE (Request for Continued Examination)
☐ Transmittal of Formal Drawings
☐ Issue Fee Transmittal (original & copy)
☒ Certificate of Mailing
☐ Express Mail No.:

Missing Parts, Formal Papers

☐ Response to Notice of Missing Parts
Assignment & Cover sheet (___ pgs.)
☐ Declaration & POA (___ pgs.)

Amendment / Response

☒ Amendment/Response (16 pgs.)
☐ Examiner's Interview Summary
☒ Other: Copy of Notice of Abandonment

Petitions & Appeals

☒ Petition to Revive
☐ Notice of Appeal
☐ Appeal Brief & two copies (___ pgs. each)
☐ Reply Brief (___ pgs.)

Other

☐ Information Disclosure Statement & PTO/SB/08
(___ pgs.) (previously 1449)
☐ Terminal Disclaimer
☐ Request to Publish (Rescind NonPublication)
☐ Drawings: ___ sheets, ___ figures
☒ Postcard

Checks

☒ Check No. 74338 Amount \$1,500.00
☐ Check No. ___ Amount \$

Filing Date: 12/06/2001
Due Date: 08/26/2005
Docket No.: 4860.P2679
Atty/Sec: JCS SSL jxs

BEST AVAILABLE COPY

**AMENDMENT TRANSMITTAL****PATENT**

Application No.: 10/020,384
Filing Date: 12/06/2001
First Named Inventor Gary F. Feierbach
Examiner's Name: Datskovskiy, Michael V.
Art Unit: 2835
Attorney Docket No.: 4860.P2679

- ☒ An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.
☒ Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.
☒ Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.
____ Applicant(s) claim small entity status (37 CFR 1.27).

ATTACHMENTS

- ____ Preliminary Amendment
____ Amendment/Response with respect to Office Action
☒ Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)
____ Notice of Appeal
____ RCE (Request for Continued Examination)
____ Supplemental Declaration
____ Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)
____ Information Disclosure Statement (IDS)
____ Copies of IDS citations
____ Petition for Extension of Time
☒ Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)
____ Cross-Reference to Related Application(s)
____ Certified Copy of Priority Document
☒ Other: Petition to Revive
____ Other: _____
☒ Check
☒ Postcard (Return Receipt)

SUBMITTED BY:

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

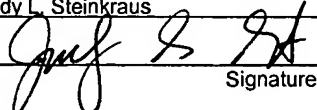
TYPED OR PRINTED NAME: Suk S. LeeSIGNATURE: REG. NO.: 47,745DATE: 19 August 2005ADDRESS: 12400 Wilshire Boulevard, Seventh FloorLos Angeles, California 90025TELEPHONE NO.: (408) 720-8300**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (if applicable)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450 on 08/19/2005

Date of Deposit

Judy L. Steinkraus

Name of Person Mailing Correspondence


Signature08/19/2005
Date

Express Mail Label No. (if applicable): _____

Send to: COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, Virginia 22313-1450

(10/14/03)

**FEE TRANSMITTAL FOR FY 2005**

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

TOTAL AMOUNT OF PAYMENT (\$) 1,500.00

Complete if Known:

Application No. 10/020,384Filing Date 12/06/2001First Named Inventor Gary F. FeierbachExaminer Name Datskovskiy, Michael V.Art Unit 2835Attorney Docket No. 4860.P2679

Applicant claims small entity status. See 37 CFR 1.27.

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify)☐ Deposit AccountDeposit Account Number : 02-2666

Deposit Account Name: _____

☒ The Director is authorized to do the following with respect to the above-identified Deposit Account:☐ Charge fee(s) indicated below.☒ Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.☐ Charge fee(s) indicated below except for the filing fee☒ Credit any overpayments.☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

Warning: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Large Entity		Small Entity		Fee Description		Fees Paid (\$)
Fee Code	Fee (\$)	Fee Code	Fee (\$)			
1011	300	2011	150	Utility application filing fee	} 1,000/500	_____
1111	500	2111	250	Utility search fee		_____
1311	200	2311	100	Utility examination fee		_____
1012	200	2012	100	Design application filing fee	} 430/215	_____
1112	100	2112	50	Design search fee		_____
1312	130	2312	65	Design examination fee		_____
1013	200	2013	100	Plant filing fee	} 660/330	_____
1113	300	2113	150	Plant search fee		_____
1313	160	2313	80	Plant examination fee		_____
1004	300	2004	150	Reissue filing fee	} 1,400/700	_____
1114	500	2114	250	Reissue search fee		_____
1314	600	2314	300	Reissue examination fee		_____
1005	200	2005	100	Provisional application filing fee		_____

SUBTOTAL (1) \$ _____

2. EXCESS CLAIM FEES

	<u>Extra Claims</u>	<u>Fee from below</u>	<u>Fees Paid (\$)</u>
Total Claims <u>34</u> - 46 or HP = <u>0</u>		X <u>\$50.00</u>	= \$ <u> </u>
HP = highest number of total claims paid for, if greater than 20			
Independent Claims <u>2</u> - 3 or HP = <u>0</u>		X <u>\$200.00</u>	= \$ <u> </u>
HP = highest number of independent claims paid for, if greater than 3			
Multiple Dependent Claims		<u> </u>	= <u> </u>

<u>Large Entity</u>		<u>Small Entity</u>		
Code	Fee (\$)	Code	Fee (\$)	Fee Description
1202	50	2202	25	Each claim over 20
1201	200	2201	100	Each independent claim over 3
1203	360	2203	180	Multiple dependent claims, if not paid
1204	200	2204	100	Reissue: each claim over 20 and more than in the original patent
1205	50	2205	25	Reissue: each independent claim more than in the original patent

SUBTOTAL (2) \$ 0**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each add'l 50 or fraction thereof</u>	<u>Fee from below</u>	<u>Fees paid (\$)</u>
<u> </u>	- 100 = <u>0</u>	/ 50 = <u> </u> (round up to whole number)	X <u> </u>	<u> </u>

<u>Large Entity</u>		<u>Small Entity</u>		
Code	Fee (\$)	Code	Fee (\$)	Fee Description: Application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings):
1081	250	2081	125	Utility
1082	250	2082	125	Design
1083	250	2083	125	Plant
1084	250	2084	125	Reissue

SUBTOTAL (3) \$

FEE CALCULATION (continued)**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>	
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1813	8,800	1813	8,800	Request for inter parties reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1,500	2453	750	Petition to revive - unintentional	1,500.00
1501	1,400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1503	1100	2503	550	Plant issue fee	
1462	400	1462	400	Petitions to the Commissioner (CFR 1.17(f) Group I)	
1463	200	1463	200	Petitions to the Commissioner (CFR 1.17(g) Group II)	
1464	130	1464	130	Petitions to the Commissioner (CFR 1.17(h) Group III)	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	\$
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	For filing a submission after final rejection (see 37 CFR 1.129(a))	
1814	130	2814	65	Statutory Disclaimer	
1810	790	2810	395	For each additional invention to be examined (see 37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	
1505	300	1505	300	Publication fee for republication	
1803	130	1803	130	Request for voluntary publication or republication	
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	
1454	1,370	1454	1,370	Acceptance of unintentionally delayed claim for priority	

Other fee (specify) _____

Other fee (specify) _____

SUBTOTAL (4) \$1,500.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:Typed or Printed Name: Suk S. LeeSignature: Date: 19 August 2005Reg. Number: 47,745Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

JCS

Apple Com

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,384	12/06/2001	Gary F. Feierbach	04860P2679	2221

7590 05/26/2005

James C. Scheller, Jr.
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER
DATSKOVSKIY, MICHAEL V

ART UNIT	PAPER NUMBER
2835	

DATE MAILED: 05/26/2005

RECEIVED

MAY 31 2005

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
LOS ANGELES

Please find below and/or attached an Office communication concerning this application or proceeding.

Date 8/26/2005 Client: Apple Computer, Inc.
Docket Initials _____ 4860.P2679
Dock. Sup. Initials _____
Atty Initials _____ JCS AMH
Pat/Ser/Reg 020384

Description: 39 x

Deadline to revive abandoned application

6/1/2005 Natalie Adair 417703

ENTERED
JUN - 1 2005
STATUS DE

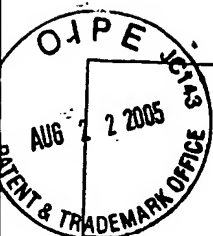
Date 7/26/2005 Client: Apple Computer, Inc.
Docket Initials _____ 4860.P2679
Dock. Sup. Initials _____
Atty Initials _____ JCS AMH
Pat/Ser/Reg 020384

Description: 39r

Reminder: Deadline to revive abandoned application is 8/26/05

6/1/2005 Natalie Adair 417704

cc: Apple 6-2-05



Notice of Abandonment

Application No.

10/020,384

Examiner

Michael V. Datskovskiy

Applicant(s)

FEIERBACH, GARY F.

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on 15 July 2004.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Michael V. Datskovskiy
05/24/05

Michael V Datskovskiy
Primary Examiner
Art Unit: 2835

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 3